

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICHIA CORPORATION,

Plaintiff,

v.

SEOUL SEMICONDUCTOR CO.,LTD., et al.,

Defendants

No. C 06-0162 MMC

**ORDER DENYING OBJECTION TO
MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION RE: PLAINTIFF'S
MOTION TO BAR OBVIOUSNESS
DEFENSE; GRANTING PLAINTIFF'S
MOTION TO BAR OBVIOUSNESS
DEFENSE; GRANTING DEFERRED
PORTION OF PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**


Before the Court is defendants' "Objection to Magistrate Judge's Report and Recommendation Re Plaintiff's Motion to Bar Obviousness Defense," filed August 28, 2007.

Having fully reviewed the matter, the Court hereby DENIES the objection, for the reason defendants have failed to show the subject order is clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A) (providing district court may reconsider magistrate's order where it has been shown to be clearly erroneous or contrary to law). Alternatively, considering the matter de novo, the Court hereby adopts the Report and Recommendation, and, accordingly, GRANTS plaintiff's motion to bar defendants' obviousness defense.. See U.S.C. § 636(b)(1) (providing, as to "proposed recommendation," district court shall "make a de novo determination of those portions of the report . . . to which objection is made").

1 In light of the above ruling, the deferred portion of plaintiff's motion for summary
2 judgment, by which plaintiff seeks judgment in its favor on the issue of obviousness, is
3 hereby GRANTED.

4 **IT IS SO ORDERED.**

5 Dated: August 31, 2007

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7 MAXINE M. CHESNEY
8 United States District Judge
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